

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

-v-

Case No. 23-cr-20152

JACK EUGENE CARPENTER, III,

Defendant.

_____ /

HEARING ON MOTION FOR COMPETENCY EVALUATION

BEFORE THE HONORABLE MARK A. GOLDSMITH

Detroit, Michigan, Tuesday, June 6th, 2023.

APPEARANCES:

FOR THE PLAINTIFF: FRANCES LEE CARLSON
U.S. DEPARTMENT OF JUSTICE
211 West Fort Street
Suite 2001
Detroit, MI 48226

FOR THE DEFENDANT: JEAN PIERRE NOGUES, III
Federal Community Defender
613 Abbott Street
Suite 500
Detroit, MI 48226

David B. Yarbrough, CSR, FCRR
Official Court Reporter
(313) 234-2619

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TABLE OF CONTENTS

PAGE

WITNESSES:

NONE

EXHIBITS

(Identified) (Admitted)

1 Detroit, Michigan.

2 Tuesday, June 6th, 2023.

3 At or about 3:39 p.m.

4 -- --- --

5 THE CLERK OF THE COURT: Please rise. The United
6 States District Court for the Eastern District of Michigan is
7 now in session, the Honorable Mark Goldsmith presiding. You
8 may be seated.

9 The Court calls case number 23-20152, United States
10 of America versus Jack Carpenter. Counsel, please place your
11 appearances on the record.

12 MS. CARLSON: Good afternoon, your Honor Francis
13 Carlson appearing on behalf of the United States.

14 MR. NOGUES: And good afternoon, your Honor. Jean
15 Pierre Nogues from the Federal Defender's Office on behalf of
16 Jack Carpenter who stands to my left.

17 THE COURT: All right. Good afternoon, everybody.
18 We are here on the government's motion for a competency
19 evaluation and I read the submissions. Let me ask if the
20 government has any additional input to make at this point?

21 MS. CARLSON: Just a little argument, your Honor.

22 THE COURT: Go ahead.

23 MS. CARLSON: Your Honor, under the Insanity Defense
24 Reform Act, the Court shall grant the government's motion if
25 there is reasonable cause to believe that the defendant either

1 does not have sufficient present ability to consult with his
2 lawyer with a reasonable degree of rational understanding or he
3 does not have a rational as well as factual understanding of
4 the proceeding against him and if there is reasonable cause,
5 then the Court has a duty to inquire into the defendant's
6 competency and should order an evaluation as part of that
7 inquiry so the Court has a sufficient basis to make the
8 ultimate determination as to the defendant's competency.

9 The reasonable cause in this case is based on a lot
10 of the information that was set forth in the government's
11 motion and reply which include the nature of the defendant's
12 tweets that were described in the motion such as the CIA
13 assigning the defendant a girlfriend, drugging her and offering
14 her a promotion to marry a fake or copycat Jack Carpenter, that
15 there is a plot by Jewish people and the Michigan State Police
16 to kill him and that he is the sovereign of his own new state
17 in which he is the king and the state being called the Kingdom
18 of Heaven and that he is the king of Israel and these beliefs
19 which add to the reasonable cause calculus are also set forth
20 in a 15-page declaration of sovereignty that was included in
21 his tweets and I do have a copy for the Court if the Court
22 wishes to see. Also the same somewhat irrational beliefs,
23 whether other people in the world espouse these beliefs as
24 well, are also set -- are echoed in the pleadings that this
25 Court has struck. I think the fact that the Court has struck

1 now five pleadings and the defendant not understanding the
2 nature of his representation and the Court, umm, the Court's
3 first order striking the pleadings and why the pleadings were
4 struck is something to consider in the reasonable cause
5 calculus. Some of these pleadings indicated that the State
6 Department has verbally acknowledged that the defendant's
7 sovereignty argument is valid, that the COVID vaccine is being
8 used by Israel against the United States as a biological weapon
9 and that this criminal prosecution related to threats that he
10 tweeted is some part of conspiracy related to the COVID vaccine
11 and that he in essence is the puppeteer of this prosecution and
12 predicted how the government would proceed in the prosecution
13 and these same claims are echoed in the letter that was filed
14 on the docket as ECF 28 that the defendant wrote directly to
15 the United States attorney.

16 In all of these statements, the defendant has
17 exhibited what appeared to be paranoia and delusions and at a
18 minimum it's clear that he cannot separate whatever he believes
19 in regarding the COVID vaccine and his sovereign state from the
20 reality of the legal proceedings in this case and on top of
21 that, this was included in the government's motion, the
22 defendant's mother has stated that the defendant's grandmother
23 was diagnosed with paranoid schizophrenia and that the
24 defendant's mother believes that the defendant is exhibiting
25 similar or the same symptoms as his grandmother did. This also

1 adds to the the Court's reasonable cause determination.

2 If based on all of this the Court finds that there's
3 reasonable cause that the defendant may have a mental defect
4 that affects his rational and factual understanding of the
5 proceedings against him or his ability to assist in his
6 defense, then the Court has to inquire into the defendant's
7 competency and should order an evaluation to assist in that
8 determination.

9 Now the government has no, does not know if the
10 defendant is competent to stand trial or not and the government
11 certainly does not have a stake in having him declared
12 incompetent. If he's declared competent, the government will
13 proceed with the prosecution. If he's not, then in order to
14 protect his due process rights then he should be declared
15 incompetent and not held to stand trial, so the government has
16 no stake in what the ultimate determination is, but based on
17 the reasons described there certainly is reasonable cause to
18 believe that he could be incompetent and would justify the
19 Court having a competency hearing and an evaluation to assist
20 in that determination that the Court has to make.

21 THE COURT: All right. How about for the defense?

22 MR. NOGUES: Your Honor, for the most part we will
23 rely on our briefing. There are three points that I wanted to
24 bring up. The first is something that I neglected to address
25 properly in my response, but that Mr. Carpenter pointed out to

1 me and that is that it appears incredibly improper for the
2 government to point to somebody's belief in tarot card readings
3 as evidence that they somehow suffer from mental illness or are
4 legally incompetent. I address that in my response, but the
5 thing that I wanted to add is that for Mr. Carpenter, that
6 represents a core part of his religious beliefs and we think
7 that in a country that protects freedom of religion, it is
8 extremely problematic for the government to be citing
9 somebody's religious beliefs as, as evidence of legal
10 incompetence so I specifically wanted to address that point in
11 addition to what I raised in my response.

12 To just address like a few of the remarks by the
13 government that they added today, you know, this, this standard
14 of whether or not the, if there's reasonable cause to believe
15 that the defendant can have, has a rational understanding of
16 the proceedings against him and can have a, engage in a
17 rational discourse with his defense attorney, I mean, I can
18 tell you for sure that we are able to engage in rational
19 discourse. We've talked about this case. We don't agree on
20 all of the legal arguments, but Mr. Carpenter has been nothing
21 but rational in having those discussions with me about legal
22 strategy.

23 He is fully aware of the nature of this case. He's
24 fully aware of the consequences of being convicted of the
25 charges against him and I don't believe that the government has

1 made any showing to believe that just because again he has
2 certain political and legal theories that he's vocalized either
3 in filings to the Court or in social media, that that means
4 that he doesn't still have a rational understanding of his
5 situation and our legal system and I do want to point out that
6 the government argued that the fact that he's had several
7 motions recently that he filed himself struck, the fact that he
8 keeps on filing them, he didn't know that they were struck. I
9 told him today for the first time. He had no awareness that
10 the filings that he had made to the Court were struck. He had
11 a lot of different things that he wanted to file with the Court
12 and he filed all of them and he's finding out today that they
13 were struck, so that is not a factor in terms of an irrational
14 understanding of what's going on. He fully understands that
15 the Court did strike those motions. Not only that, he
16 understands why because we had a discussion about the fact that
17 I am his representative and that he cannot file motions pro se
18 when he is represented and that's specifically why one of the
19 motions that he filed was asking the Court to allow him to
20 represent himself pro se with me as advisory counsel because as
21 he said in that motion, he anticipated that otherwise the Court
22 would not allow him to file those motions. So I actually think
23 it speaks to quite a perceptive understanding of how the Court
24 or the system was going to react to the filings that he made
25 and again whether or not those filings are agreed with by the

1 parties or whether or not the Court finds them to have legal
2 validity or not, he understands what's going on and so I don't
3 think that that establishes reasonable cause he doesn't have
4 rational understanding.

5 I don't take much -- I don't put much credence in his
6 mother making a comment to ATF or FBI or whoever it was that
7 she thinks that because his grandmother had suffered from
8 mental illness, that he must also. Obviously there's a
9 strained relationship here, right? The mother was one of the
10 people who contacted law enforcement in the first place so I
11 don't know how much credibility the Court should really be
12 giving to that when making a determination if Mr. Carpenter is
13 going to be shipped off for what likely be months into some
14 sort of psychiatric hospital within the Bureau of Prisons in
15 order to do an evaluation that there really isn't enough of a
16 basis to go on. Simply because the government doesn't like the
17 things that he's saying and they think that those things
18 constitute a crime doesn't mean that he's legally incompetent.

19 The last thing, your Honor, the Court has struck
20 Mr. Carpenter's motion to represent himself in pro se, we
21 understand that. Mr. Carpenter is still asking the Court if in
22 its discretion it would allow him to speak on his own behalf at
23 this hearing now and I told him that I would pass on that
24 request to the Court.

25 THE COURT: All right. Are you done at this point?

1 MR. NOGUES: Yes, your Honor.

2 THE COURT: All right. Anything further from the
3 government?

4 MS. CARLSON: No, your Honor.

5 THE COURT: All right. Does the government have any
6 objection to Mr. Carpenter making a statement at this point?

7 MS. CARLSON: No, your Honor.

8 THE COURT: All right. Go ahead, Mr. Carpenter.

9 THE DEFENDANT: I would just like to add that in our
10 first discussion with defense counsel, umm, as I outlined in
11 one of the motions that I did file that got struck that I
12 informed defense counsel of what the first motion was going to
13 be against me in this case, that they were going to challenge
14 my mental state. I had -- that exchange took place almost a
15 full month before the prosecutor even mentioned to defense
16 counsel that that's what they were going to do in my case and
17 additionally, when I spoke of the U.S. State Department
18 acknowledging the legal claim regarding sovereignty, it's
19 because I called them. I spoke to them on the phone. I
20 explained to them the legal argument and what took place
21 leading up to that phone call. Their reply was that they were
22 curious as to whether or not the federal government responded
23 which I explained to them under the Department of Defense log
24 or manual that it outlines international law that silence was
25 ascent. They said that I was absolutely correct in that and

1 then walked me through the process to obtain a nonimmigrant
2 visa from the country that I founded to enter back into the
3 United States at which time I pointed out that due to their
4 rules, it requires an in-person interview at the end of the
5 filing in order to obtain the visa which I pointed out that
6 there was no American consulate on the property that I claimed.
7 They said that I was absolutely correct about that, that they
8 hadn't considered that, put me on hold for 20 minutes and then
9 came back with a 1-800 number for me to call for when I reached
10 that part in, umm, the filing. When I stated that I, that the
11 Department of Justice is aware of that is because every e-mail
12 that I sent in regards to this, umm, this issue with the
13 government, the -- I sent e-mails to the Joint Chiefs of Staff
14 as well as the Department of Justice itself, not directly to
15 the U.S. attorney. I don't remember the exact e-mail address,
16 but it is, it is the Department of Justice e-mail address so
17 they have, had received in November an e-mail that outlines
18 that the government was already interacting with me as the head
19 of state of a foreign government and now in February, suddenly
20 I'm not anymore which that in itself also creates a
21 Constitutional issue where I am not informed whether or not my
22 actions would be legal or not if the government is interacting
23 with me as the head of a foreign government and allowing me to
24 enter or to take part in processes that are, umm, that are
25 outlined for foreign governments in order to enter back on to

1 American soil and then announcing publicly that the head of
2 state of a foreign government is immune from U.S. courts as
3 they did on November 18th, 2022. Then the prosecutor filing
4 charges against me claiming that none of that is valid and it's
5 a delusion that's in my mind creates an issue where I have no
6 way to be informed whether or not my actions are actually
7 lawful until they're determined by a court of law.

8 I do want to add on there that even the complaint
9 itself acknowledged that there was a challenge to jurisdiction
10 over my person which I have brought up at every judicial
11 interaction, the last one with the magistrate. I was told that
12 it would be settled in this court by yourself, your Honor, and
13 in the motion that was filed against me for competency that was
14 used as evidence of a reasonable belief that I'm not aware of
15 what's going on and if jurisdiction is lacking, then competency
16 is irrelevant.

17 THE COURT: Well, what I'm going to do is direct the
18 attorneys to file, umm, I should say submit proposed orders
19 that will contain whatever findings regarding facts and any
20 conclusions of law that you would like me to draw. I'll ask
21 you how long you think it would take to do that. How long
22 would the government need?

23 MS. CARLSON: Umm, could we have, umm -- can I look
24 at my calendar on my phone?

25 THE COURT: Sure, go ahead.

1 (Pause)

2 MS. CARLSON: Next Thursday, June 15th?

3 THE COURT: All right. Is that enough time for the
4 defense, too?

5 MR. NOGUES: That's fine, your Honor.

6 THE COURT: Okay. So if you will submit those via
7 the utilities function and cite whatever evidence it is that
8 you'd like me to take into account, make whatever arguments or
9 propositions you want me to draw in your favor and it'll be in
10 the form of an opinion and order and then I will be issuing my
11 own order after taking into account what it is you're
12 proposing.

13 I wanted to raise an issue with the government.
14 There's reference to some evidence that the government has, but
15 didn't include in the submissions some Twitter material and
16 maybe there's other material. Is there any reason that cannot
17 simply be submitted? Does it have to be submitted under seal?
18 Is there anything confidential about it?

19 MS. CARLSON: Not that I can think of sitting here,
20 but we can submit that as exhibits to our motion.

21 THE COURT: All right and has the defense seen all of
22 that.

23 MR. NOGUES: I believe so, your Honor. I've been
24 given discovery by the government.

25 THE COURT: Okay. So I'd like to see whatever it is

1 that the government or the defense has that they would like me
2 to take into account in deciding this motion. As part of the
3 submissions, I would like you to address whatever
4 jurisdictional issues you think are necessary. Since there's
5 at least a suggestion here of no jurisdiction, I'd like to know
6 what the government thinks is basis for me to grant this motion
7 at this stage in the proceedings with respect to the
8 jurisdictional challenge that at least I've heard here and I
9 know there was something filed on that and I know it was struck
10 and if the defense submission wants to address that as well,
11 it's free to address that as well.

12 MS. CARLSON: Your Honor, could the jurisdictional
13 issue be addressed separately? I -- it's hard for the
14 government to address the jurisdictional issue when we're not
15 aware of what the issue is. As far as the government is
16 concerned there is no issue, so if defense counsel wants to
17 file a motion challenging jurisdiction for this case, then the
18 government can appropriately respond, but I know it's been
19 raised in some of the struck pleadings, but once they were
20 struck, I don't think I have access to them.

21 THE COURT: I understand. Does the defense want to
22 file that as a motion at this point?

23 MR. NOGUES: I'll discuss that with my client, your
24 Honor.

25 THE COURT: All right, then that's fine. I -- if

1 it's an issue that should be addressed, then let's see if the
2 defense wants to file a motion through counsel about that.

3 MS. CARLSON: I guess we're, not related, but kind of
4 a separate issue that was raised today was I guess it was
5 mentioned that in one of the defendant's struck pleadings that
6 there was some request that he be allowed to represent himself.
7 I don't think I saw that pleading before it was struck so I
8 guess if that is still the defendant's desire, then perhaps
9 that should be addressed separately as well since he does have
10 a right to represent himself and he's raised it apparently.

11 THE COURT: All right. Well, we have a, it seems to
12 me a bit of a chicken and egg problem because the government's
13 raised an issue regarding a defendant's competency and he
14 apparently is raising a request to represent himself. I don't
15 know -- if I agree with the government that there's reason to
16 believe he's not competent to stand trial and needs to be
17 evaluated, I don't know if I could at the same time recognize a
18 right for him to represent himself. Doesn't that seem like a
19 bit of a contradiction?

20 MS. CARLSON: I agree that the competency issue has
21 to be decided first before addressing a request to represent
22 himself if he is in fact making that request.

23 MR. NOGUES: And in the discussion that we've had on
24 this your Honor is that like also, we also agree that because
25 the government has raised this issue, that is an issue about

1 whether or not to evaluate him that the Court would have to
2 address first. Having said that, it doesn't take away from
3 Mr. Carpenter's jurisdictional argument, but the Court can't
4 allow him to address it himself pro se until the Court has
5 determined if he's, if there's a competency issue to be
6 evaluated. So we are, umm, we understand that the Court may
7 not be able to rule on that particular issue yet, that that has
8 to be pending.

9 THE COURT: All right. I think we should address
10 competency first and we're going to let the defense through
11 counsel decide whether to file a motion regarding jurisdiction
12 and then regarding Mr. Carpenter's request, I know he's filed a
13 lot of things handwritten and what he put in his papers
14 wouldn't necessarily control anyways, but I'll take the defense
15 at its word that somewhere buried in all those papers are a
16 request to represent himself, but he's made that statement here
17 or through counsel, he's made the statement here so I
18 understand it's on the agenda for us to consider, but we're not
19 going to consider it today. We'll find another time to take it
20 up if and when that's appropriate. All right, is there
21 anything else either side wants to raise at this point?

22 MS. CARLSON: Nothing from the government. Thank
23 you.

24 MR. NOGUES: One moment, your Honor.

25 (Pause)

1 MR. NOGUES: Nothing further, your Honor.

2 THE COURT: All right. Then we'll wait to see what
3 you submit. My thanks to Mr. Yarbrough, Ms. Sandusky and
4 Mr. Olmsted for their assistance this afternoon. That
5 concludes our hearing. Thank you.

6 MS. CARLSON: Thank you.

7 (Hearing concluded at 4:06 p.m.)

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C E R T I F I C A T E

I, David B. Yarbrough, Official Court
Reporter, do hereby certify that the foregoing pages
comprise a true and accurate transcript of the
proceedings taken by me in this matter on Tuesday, June
6th, 2023.

8/14/2023

Date

/s/ David B. Yarbrough

David B. Yarbrough,
(CSR, RPR, FCRR, RMR)
231 W. Lafayette Blvd.
Detroit, MI 48226